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	APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,267		09/07/2004		Terry J. Gordon	GORDP005US	5266
	27949	7590	06/29/2005		EXAMINER	
	LAW OFFIC		AY R. YABLON	GRAY, DAVID M		
	SCHENECTADY, NY 12309-2814				ART UNIT	PAPER NUMBER
	,			2851		

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Z.

	Application No.	Applicant(s)				
	10/711,267	GORDON, TERRY J.				
Office Action Summary	Examiner	Art Unit				
	David M. Gray	2851				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 08 Ap	<u>oril 2005</u> .					
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.					
	) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ☐ Claim(s) 1-16 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) 1,8,9 and 16 is/are rejected.  7) ☐ Claim(s) 2-7 and 10-15 is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) ☐ The specification is objected to by the Examiner.  10) ☑ The drawing(s) filed on <u>07 September 2004</u> is/are: a) ☑ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary ( Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	PTO-413) te atent Application (PTO-152)				

## Terminal Disclaimer

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The terminal disclaimer filed on 04-08-2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,792,206 or 6,580,876 has been reviewed and is accepted. The terminal disclaimer has been recorded.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 8, 9 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cote et al.

Cote et al. detects the bullet and thus clearly detects "an actual discharge of live ammunition from the firearm."

Claims 1, 8, 9 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bridges.

Bridges detects the bullet and thus clearly detects "an actual discharge of live ammunition from the firearm."

Claims 1, 8, 9 and 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Raposa et al.

Raposa et al. detects the bullet and thus clearly detects "an actual discharge of live ammunition from the firearm."

## Allowable Subject Matter

Claims 2-7 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David M Gray Primary Examiner Art Unit 2851